

FILED

SEP 14 2016

Clerk, U.S. District Court
District Of Montana
Great Falls

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-04-116-GF-BMM-01

Plaintiff,

vs.

LUCAS JAMES McCOY,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter August 18, 2016. (Doc. 85.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 2, 2016. (Doc. 83.) McCoy admitted that he violated the conditions of her supervised release. The violations prove serious and warrant revocation of McCoy's supervised release.

Judge Johnston has recommended that the Court revoke McCoy's supervised release and commit McCoy to the custody of the Bureau of Prisons for 11 months and given credit for time served (Doc. 85 at 6.) Judge Johnston further has recommended that Mortenson's term of custody be followed by 12 months of supervised release.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. McCoy's violations of his conditions represent a serious breach of the Court's trust. A sentence of 11 months custody followed by 12 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 85) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Lucas James McCoy be sentenced to 11 months custody followed by 12 months of supervised release. The conditions previously imposed shall be continued.

DATED this 13th day of September, 2016.



Brian Morris
United States District Court Judge